

A CRITICAL ANALYSIS OF THE LAWS CONTROLLING INTER-STATE LABOR MIGRATION IN INDIA

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ABSTRACT:

The legislation governing movement of workers across states in India is the subject of the essay. It is impossible to prevent migration's causes and consequences. There are several factors that contribute to the challenges brought on by the phenomenon of migration. It wouldn't make sense to assign the outcomes to just one factor. In order to lessen the sad circumstances of migrant workers, the major actors who have the greatest impact on the negative impacts of forced migration must accept moral and legal responsibility. Issues like the sexual abuse of female employees, child labour, palm-chopping of migrant labourers, and other circumstances where migrants are especially vulnerable should be given priority by the State. With the prevalence of a negligent, dishonest, and immoral system out to promote its own interests, we have no alternative but to invest our faith in the State machinery, which can elevate the standards of these poor people. The following actions, in the author's opinion, could lead to a successful execution of the Act. Employers and dishonest intermediaries cannot be allowed to indemnify themselves by the payment of a little fine that has little to no impact on them. The degree of the penalty must be commensurate with the seriousness of the offence.

KEYWORDS : Analysis, Labor, Migration , India.

1. INTRODUCTION

“Do you want your hand or leg hacked off? said the furious contractor. Since we are now insolvent, we are unable to offer you the money. We'll follow your instructions instead. Please help us go, cried a trembling voice.

The horrific tale of two migrant labourers from Kalahandi, Odisha, whose right hands were ruthlessly removed by labour contractors is told in these words. The two intoxicated labour contractors were enraged when the prisoner labourers objected to being sent to another nation for work and were unable to pay the advance demanded. Their right hands were cut off in an instant. Life for these disadvantaged individuals was never the same again.

Large-scale, irregular migrations of poor, unskilled people seeking temporary or permanent work in India's unorganised informal labour market mostly take place from rural to urban areas. In India, migration is caused by persistent social and economic injustices. Individuals are compelled to leave their homes and travel to other locations in search of a

living because to the economic immobility of a region. High levels of debt, moving, natural catastrophes, unfavourable agricultural conditions, seasonal work, tiny land holdings, a lack of employment in the area of origin, and female marriage are all important push factors.

That lead to emigration from one's place of origin. Yet, rapid urbanisation and economic growth are two push factors that draw large numbers of employees to the rising zones. The transfer of labourers from one area to another depends on networks of middlemen. Workers are transported by contractors and subcontractors from their points of origin to their workplaces by way of advances covering certain necessary expenses. The recruiting process often serves the interests of the employees against their will and is obviously unlawful. Without any other means of subsistence, the destitute hastily take advantage of this tempting opportunity.

The primary sectors that heavily rely on migrant labour include construction, domestic services, brick kilns, textiles, mining and quarrying, and agriculture. All of these businesses use migrant labour, who are subjected to working circumstances that are unpleasant, dangerous, and unduly demanding. This actually is a beneficial decision for businesses who choose to recruit migrants over locals in favour of cheap labour. The least equipped for negotiation are migrants due to illiteracy, acute poverty, and linguistic barriers. According to the Constitution, everyone is given the fundamental right to immigrate. Yet, migration assumes an intolerable quality when it leads to exploitation and brutality that endangers basic freedoms, human dignity, and personal dignity. A significant problem with migrant labour is the lack of precise statistics information. 45 billion individuals shifted homes within the country, according to the 2011 Census, although the specific number of migrants cannot be ascertained and further recorded owing to the frequent changes in work (seasonal migration). They are especially susceptible and prone to exploitation since a significant section of the migrant labour force is made up of tribal or disadvantaged groups from distant locations. The conditions in which migrant labourers fight to survive are shown in a bleak light by reports of events. Laws and regulations have failed terribly, which is why living and working conditions have drastically deteriorated.

The law that controls the hiring process and working conditions for interstate migrant workers in India is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The legislation's goal is to shield migrant workers from significant exploitation at the hands of duplicitous contractors by outlining in simple terms the procedures to be followed when contracting interstate migrant labour and preventive measures. Yet the law's grave transgressions and poor implementation cast question on its very legitimacy. This legislation's exclusive focus on interstate migrant workers while ignoring the widespread prevalence of intrastate labour migration, which shares many traits with interstate labour migration, demonstrates how little attention lawmakers are giving to pressing problems that demand immediate resolution.

The legal framework governing interstate labour migration is examined critically in this academic research. In the context of extensive labour migration, analysis will be done

to ascertain the extent to which the law's intended purposes have been accomplished. The order of this article's sections is as follows. The legal process for employing interstate migrant labour is described in the first part, along with the duties carried out by various statutory officers under the Act. We'll talk briefly about these officials' legal responsibilities now. The fundamental problem with how the law was developed and applied will next be examined. The legal approach to defending migrant workers' rights and its effectiveness will next be looked at.

2. BROADER LEGISLATIVE FRAMEWORK

The abusive Dadan system that was in use in the state of Odisha at the time led to the passage of the Odisha Dadan Labour (Control and Regulation) Act, 1975, the first piece of legislation specifically addressing the hazards of migrant labour. Under this system, labour brokers known as Sardars and Khatadars often used dishonest strategies to lure credulous labourers into harsh living and working circumstances⁵. Before the Act of 1975, legislation known as the Contract Employment (Regulation and Abolition) Act was enacted.

The 1970 statute included not only migratory workers but all contract labourers as well. In 1976, the Conference of the Labour Ministers led to the topic of safeguarding the interests of Dada labour as a major concern. To look into the circumstance and provide some suggestions, a Compact Committee was established. The Committee determined that the Contract Labor (Regulation and Abolition) Act of 1970 and other associated measures, such as the Minimum Wages Act of 1948, were ineffective. The Committee's recommendations were properly taken into account when the Inter-State Migrant Workmen Act, often known as ISMWA, was written in 1979. Specifically, the Odisha Act was repealed by the Act of 1979. In addition to the ISMWA, the Indian Constitution forbids human trafficking and requires the state to provide maternity leave and fair and humane working conditions under Articles 23 and 42, respectively. According to the Indian Penal Code of 1860, it is illegal to compel someone against their will or with their agreement (Section 374). Also, migrant employees must abide by all applicable labour regulations including insurance, wages, and labour disputes. ISMWA of 1979 and its Central Rules, which were published in 1980, regulate the employment and service conditions of interstate migrants engaged via labour contractors. Let's first examine the legal framework that should largely regulate the processes of employing and recruiting interstate migrant employees.

3. LEGAL REQUIREMENTS FOR HIRING AND EMPLOYING INTERSTATE MIGRANT WORKERS

Every establishment that employs or has employed five or more interstate migrant workers (whether or not in addition to other workers) on any day during the previous 12 months is subject to the ISMWA, as is every contractor that employs or has employed five or more interstate migrant workers (whether or not in addition to other workers) on any day during the previous 12 months. ⁷ The Act leaves the procedures involved in employing

interstate migrant workers to the provisions of the ISMWA and the rules made in accordance with it. The Act's present provisions are further explained in the regulations.

The ISMWA defines a "Inter-State Migrant Worker" as a person engaged by or via a Contractor in one state pursuant to an agreement or other arrangement for employment at an establishment in another State, whether or not the principal employer is aware of the arrangement.

In accordance with both this term and the Act, a Contractor & who makes hires or through whom hires are made in a critical position. Recruitment should take place in the first State with the goal of employment in another State. For this, some kind of arrangement or agreement is required. Employment with a Principal Employer in a separate State is a must. The contractor may include a subcontractor, Khatadar, Sardar, agent, or any other person, and may be an independent contractor, an agency, an employee, or any other sort of person.

Yet, a contractor is permitted to recruit someone as long as he has the required licences. The licence must be given subject to a variety of legal prerequisites, such as the license's non-transferability, the terms and circumstances of hiring, the pay rates, and special regulations for female migrant workers.

It's miles as much as the licencing officer to determine whether or not or not to offer licences. Further, he has the strength to impose similarly limitations on the licence that has been granted, particularly with reference to the situations of the agreement, the amount of the remuneration due, the wide variety of hours of work, and the vital facilities. He may want to require the applicant to offer a guarantee that the conditions of the licence might be upheld. Ultimately, he has the selection to study the utility for licencing. Fourth, the licencing officer has the authority to cancel, droop, and alter the licence if he is happy. Satisfied wrong manner were used to get the license. Moreover, he runs the chance of dropping any security that was given in change for the license.

The aforementioned requirements attempt to protect the security and safety of migrant employees by preserving transparency in the employment process. The information obtained could be very helpful in locating migrants who disappear from notice after travelling to distant locations. The reason sometimes could also be related to murder or human trafficking. Due to his ability to grant conditional licences, look into applications, revoke, suspend, or change licences, as well as forfeit security, the Licensing Officer is a crucial tool for protecting the rights of migrant workers, who are frequently subject to severe persecution at the time of recruitment.

The obligations of a contractor go much beyond simply employment. He has a variety of duties to fulfil towards the employees he recruits because of his crucial position. Each contractor must pay a nonrefundable fee, provide certain authorities information on the employees, and comply with other requirements. Reimbursement for moving expenses & travel costs of to each when a migrant worker's employment period ends, they are fired, or they become ill, give them a passbook containing their personal information. They should

also be provided with regular, equitable pay without any form of discrimination, be working under proper conditions with protective equipment, and be given first aid facilities, crèche facilities, rest rooms, latrines and urinals, canteen, etc., maintain residential housing, provide medical facilities without charge, and instantly notify the proper authorities or the next of kin of a worker who has experienced a fatal accident or serious physical injuries.

Recruiting is followed by the stage of employment in an organisation. The Main employer is the one who is important right now. The firm must first be registered by obtaining a Certificate of Registration if the employer intends to recruit migrant workers from beyond their home state. The employer's responsibilities often surface when the contractor fails to fulfil his duty to the employees he hired. When the contractor neglects to make necessary Act payments, such as for moving or travel costs, the employer is obligated to step in and take the contractor's place. Upon the fulfilment of the requirements, the employer has the right to retrieve his rights from the contractor. When it relates to the company, the employer is obligated to maintain accurate and secure records.

Government or a local authority, the head of that once, department or authority or such other oncer as the Government or the local authority, as the case may be, may specify in this behalf; (ii) in relation to a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act 1948 (63 of 1948), the person so named; (iii) in relation to a mine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named; (iv) in relation to any other establishment, any person responsible for the supervision and control of the establishment. explicitly providing the contractor's name, address, and information on the workers he hired.

4. MONITORING GRIEVANCE REDRESSAL AND MECHANISMS

Inspectors selected by the appropriate Governments are in charge of monitoring how the Act is being applied. For this reason, they have the right to enter into properties, search records and registrations, interrogate individuals to determine if they are interstate employees, and other things. A Court of at least a Metropolitan Magistrate or Judicial Magistrate of the First Class may only take cognizance under the Act when an Inspector files a complaint or with his permission. According to Section 22, any conflicts or disputes regarding an interstate migrant worker's employment, non-employment, employment terms, or working conditions are now governed by the Industrial Disputes Act, 1947. On the basis of a written request made by the migrant worker or his family (in the event of his death) and requesting help in legal proceedings under certain legislation, the legislative framework also provides provisions for legal aid to migrant workers (subject to the approval of the authorities). Punishments include imprisonment for a period that may be as long as a year, a fine that may be as high as Rs. 1,000, or both for violating the Act's or regulations' provisions or any licence condition. The fine is Rs. 100 every day if the infraction continues.

5. AN ANALYSIS OF THE INTERSTATE MIGRANT WORKERS ACT.

In reaction to the atrocities perpetrated against migrant labour, the Legislature approved the ISMWA, a useful statute designed to safeguard migrant workers from the risks connected with migration. But, achieving the admirable objectives for which the law was created has remained a fantasy.

The endeavour has proved to be fruitless. When it comes to doing effective research before final adoption of a piece of legislation, its contents blatantly demonstrate that our Legislature has failed miserably, as shown by the flaws that are obvious in them. The stakeholders that surround the labour departments, the police, and the intermediaries make its implementation one of its largest flaws and one of the worst. The following arguments are presented by the author as evidence for the aforementioned statements.

- **Narrow applicability:** For the Act to be applicable, it must fulfil two requirements. Interstate migrant labourers must be employed via contracts or intermediaries. In this instance, two significant issues have been disregarded. First off, the bulk of migratory labourers in India go inside the State, often from less developed areas to more developed ones. These intra-state migrants go through pain that is approximately equivalent to what out-of-state migrants go through. While they are governed under the Contract Labor (Regulation and Abolition) Act of 1970, the problems they face are still present and have not received particular attention. They do not have a special system that caters to their specific interests; instead, they are treated similarly with other local employees employed via labour contractors. Second, the Act applies to employees employed via contractors. The Contractor is present at all times throughout the Act's entire application. As soon as the contractor fails to fulfil his statutory responsibilities, the Principal Employer is in charge. The vast majority of migrants enter either via their families or other personal friends, in addition to working as labourers. He is exempt from the law's regulations even if they are migratory labourers. A move in this regard was taken by the Union Ministry of Labor and Employment, which examined suggestions from the states of Bihar, Jharkhand, and West Bengal to extend the application of the Act to include workers recruited by unlicensed businesses.

People who move inside the boundaries of a State, as labour contractors. There haven't been any additional notable developments in the last several years.

According to the jurisprudence that has developed, each piece of legislation must be fundamentally equitable, in line with Article 14 of our constitution and the principle of new equal protection, not only in relation to other pieces of legislation but also in terms of its substance. The State shall establish fair classifications that do not exclude any group that has a similar set of problems to those the classification was intended to address in accordance with the under-inclusion criteria. According to the new equal protection theory, the idea of intelligible differentia was developed to assess how accurate the categorisation was. The principle states that in order for a classification to be valid, both

of the following conditions must be met: the basis for the classification, or the distinction between the two groups, must be real; and there must be a reasonable connection between the classification and the outcome that the classification is intended to achieve.

- **No limit on number of migrants recruited:** The number of employees a contractor may recruit is not predetermined. But, Regulation 12 of the ISMWR, 1980, which addresses the fees to be charged for hiring more than 400 migrants, may provide clarification. The maximum number of employees a contractor may recruit is unlimited, and the required payment is Rs. 400. The dishonest contractors have the capacity to cross state boundaries with numerous susceptible persons thanks to this procedural advantage. The negligence of the State labour authorities while registering enterprises or following the law's mandate that they undertake investigations before giving licences makes this malpractice worse. Seldom do contractors provide the government the data on migrants or take on administrative duties. Due to this, a sizable number of people are forcibly transported and trafficked over state boundaries, forced to work long hours for little compensation, and have their basic rights flagrantly violated, sometimes even to the point of death. One of the common outcomes of these practises is labour bondage. Notwithstanding regulations, bonded labour is still accepted. India has the biggest number of slaves, estimated at 18 million people, according to the Global Slavery Index 2016, and a significant fraction of them are migrant labourers.

a. Powers of Licensing Officer and Registering Office

The ongoing abuse of migrant workers, the growth of crimes against them, and the stunning comments made by the judiciary in certain instances demonstrate the government's disregard for labour rights. The Act exempts licencing and registration authorities from liability for actions taken in bad faith, but it says nothing about safeguards for actions taken in good faith. The ability of licencing authorities to issue permits, maintain up-to-date records on immigrants, and conduct investigations before to giving licences has immense potential if used properly.

b. Conditions of work

The establishment of living quarters, canteens, creches, clean urinals, restrooms, and free medical facilities is a total farce, as are the criteria for conditions of service. At certain institutions, it is not feasible.

Because to the challenging conditions involved, businesses that employ a lot of migrants, including brick kilns, construction sites, sugar mills, or sugar cane harvesting, must ensure compliance with these regulatory norms. In the setting of great poverty and harsh situations, these basic requirements are significantly diminished. The poor, defenseless laborers are unable to control the terms of their work or ensure that their rights and entitlements are upheld. Brick kiln workers reside in cramped, unventilated shacks that

are three to four feet high and close to the kilns, while construction site workers live in tiny tin or plastic shelters.

According to the legislation, immigrants must maintain their personal hygiene and good health and must have full access to medical care. According to accounts, each year, especially during the monsoon season, many migrants who live in filthy circumstances suffer greatly from vector-borne diseases. HIV, TB, asthma, diarrhoea, and other skin and gastrointestinal problems are among the most prevalent ailments among brick kiln and construction site workers. Also, it has been noted that migrants do not often utilise the medical and health services that the government sometimes provides, such as vaccines or health fairs. Sometimes they prioritise monetary gain above a safe and secure workplace. The following working conditions exist, according to an empirical investigation the author conducted in migrant workers' houses in Cuttack and brick kilns in Khurda, Odisha:

The factors that pushed people to migrate were landlessness, a heavy financial burden, caste-based atrocities, marriage for women, extreme poverty, etc. The majority of migrants were unskilled agricultural labourers.

- A number of brick kilns now operate from 6 a.m. to 12 p.m. and 3 p.m. to 10 p.m.
- All of the family members, including the kids, did unpaid labour at the brick factory.
- Each brick kiln only has one or two pumps, which limits the availability of water.
- The nearby river supplies the Cuttack habitat with water and sanitation, however it sometimes dries up in the summer.
- There is a significant open defecation issue at both sites.
- The environment in which the work is done includes strong sunshine and air pollution.
- Contractors do little to stop workers from being hurt while doing construction-related duties like loading and unloading bricks.
- Since neither the employer nor the contractor offer medical facilities, women are at risk of sexual diseases and indiscriminate sexual assault.

c. Abysmally Low Wagerates

There is no standardisation employed when it comes to salary distribution. Articles 13, 16 and 17 of the ISMWA require the contractor and the principal employer to ensure timely payment of salary to each migrant worker. Other laws explicitly state that wages must be paid in accordance with the law and State policies and that all deductions must be made in accordance with the mandated legal standards. One such law is the Payment of Wages Act, 1936, whose application to interstate migrant workers has been expanded by the ISMWA. Yet the situation as it stands now presents a different picture. Every year, hundreds of seasonal labourers from the tribal areas of Gujarat and Maharashtra go to south Gujarat, where they work in terrible conditions in sugarcane fields and mills (mainly because there isn't enough land for cultivation).

terrible exploitation. Women and children endure more difficulty because of their vulnerability to physical, mental, or sexual abuse. They are employed by Mukaddams (ex-

harvesters), who give them an advance and charge exorbitant interest, leaving the migrants forever in debt. The lowest paying states in India include Gujarat and Madhya Pradesh, where employees work 12 to 14 hours a day for an average wage of Rs. 119 a day while blatantly flouting the law.

d. In adequate allowances

The contractor is required by law to provide a migrant worker a travel allowance, a non-refundable displacement payment of at least Rs. 75, and any other incentives that may be appropriate. The worker is also required to pay the return price up to the destination in the event that he or she loses their employment for one of the reasons stated in clause. Refugees are sometimes seen being carried like herds of animals, packed into unreserved spaces, and then abandoned to starve to death while being "stacked one on top of the other like sacks of rice". Extreme poverty and hardship force them into the unknown.

e. Grievance Redressal

After being recruited, the migrants are compelled to bury their grievances behind a mountain of destitution and helplessness. They are taken advantage of since no one will represent their interests. Hardly no companies that hire migrant workers are unionised. Considering the particular difficulties encountered by migrant workers, such as language barriers, ethnic isolation, and helplessness, the existing grievance redressal mechanism stated in the preceding section is of a weak nature. Compared to men, women are more susceptible. For instance, sexual harassment and assault are frequent occurrences for migrant women labourers between the ages of 13 and 23 who work in Bengaluru's textile factories. A study the author conducted found that labour contractors often molested and sexually assaulted migrant girls in the neighbourhoods of Cuttack where they lived, and at times they were forcibly taken away from their parents or husbands. 55 These problems often go unrecognised, and action is seldom done. These data demonstrate that the grievance redressal mechanism is wholly ineffectual. Notwithstanding legal provisions⁵⁶ granting individuals the right to uncompensated legal counsel, the privilege has seldom been used.

f. Disproportionate Penalties:

The punishment for breaking the Act's rules may be up to a year in prison, a fine up to \$1,000, or both. If the infraction continues, an additional \$100 punishment will be imposed for every additional day that it continues. Those who break the law won't be terrified because of the nature of the consequence.

The aforementioned elements highlight the flaws in the legislation and its application.

6. JUDICIAL APPROACH TO PROTECTING THE RIGHTS OF IMMIGRANT WORKERS

Several various factors impede the process of employing migrant labour. Definitely not as straight as it appears, that. The zigzag functioning of the legislation is a reflection of the fact that statutory authorities working under the Act operate in a way that is adverse to the interests of the beneficiaries. Legislative sanctions against government employees (like licencing officers and registering officers) who fail to fulfil their duties with regard to licencing, investigation, or registration are rarely effective, despite the fact that there are some (albeit minor) penalties for contractors and employers who break the law. While majority of the time, criminals are prosecuted under the Criminal Code, the ISMWA's provisions are seldom invoked. Again, there is no question about the state officials' lack of interest in and disregard for the application of the law. Labor laws often provide state authorities more and more power without putting in place any form of structure to hold them responsible. The rulings and recommendations of the court are often disregarded by States when it comes to the execution of labour legislation. Using Articles 32 and 226 to ensure accountability seems to be the only remaining option in such situations. One of the major guarantees our constitution makes to the Indian people is the protection of labour rights, which aims to safeguard the numerous subtleties of liberty and liberty. The Directive Principles safeguard not only Fundamental Rights but also the interests and rights of the working class by detailing the actions the State must take.

The higher court has often adopted a strict stance in opposition to the continued crimes and hostility against the working class. "Have the 'chamars' belonging to the lowest strata of society no Fundamental Right if the sugar barons and the alcohol monarchs have the Fundamental Right to keep on their business and to fatten their wallets by exploiting the consumer public?" Claims made by Judge P. N. Bhagwati in support of the cause of human dignity.

Do they have a right to an honest living from their labour and sweat? Courts have intervened to address issues such the release and rehabilitation of bond laborers, the elimination of sexual harassment at work, the prohibition of child labour, the assurance of the payment of minimum wages, and protection under the Inter-State Migrant Workmen Act. Moreover, courts often provide the Central and State Labor Departments with precise suggestions, directives, and instructions about the application of laws and policies that have been authorised by the Parliament. It has planned for the execution of its directives and asked that administrative entities conduct routine inspections. Yet, the Ministry of Labour and Employment, Government of India, has shown extreme disdain and indifference, especially with regard to the implementation of these directives in the relevant sectors.

In the aftermath of a terrible tragedy that happened in 2013, the Supreme Court took suo motu notice of the situation to express its deep dissatisfaction over the States' complicity in the exploitation of migrant labour. The visual narrative symbolises humanity's doom and fills us with a deep sense of despair. Two migrant labourers from

Kalahandi (Odisha) refused to be transported to a distant place and were unable to pay back the advance money, so inebriated labour contractors quickly severed the men's hands. As the incident came to light, the Government offered a payment of Rs. 2 lakh, and the Police promptly apprehended seven of the culprits. As soon as the Supreme Court took the issue up *suomoto*, the High Court in Orissa and the High Court of Judicature in Hyderabad were given instructions on how to handle it.

Using the same, Questions posed to the governments of Odisha and Andhra Pradesh included whether short-term or long-term action plans had been developed to address the exploitation of migrant labour, how many complaints had been filed under the ISMWA, whether inspectors were routinely inspecting and providing reports on the same, whether surveys were being conducted to ascertain the situation on the ground, and what steps had been taken to prevent recurrence of the issues. The Government's lack of interest in these legislation was strongly criticised by the Court.

In light of the liberalisation of the Indian economy, the higher courts has lately come under criticism for supposedly taking a "anti-worker stance." The Preamble, the Directives, and the goals of the Constitution have all been judged to have been broken by the legal approach. The court has not made a substantial contribution to solving India's pressing issues with labour migration. Nonetheless, a few notable judgements have had a substantial impact on Indian labour law. In *Labourers Working On Salal Hydro Electric Project v. State of Jammu Kashmir*, the Supreme Court noted the issue and expressed severe concern, noting the exploitative work style imposed on the migrant labourers. Both contractors and subcontractors, often known as "piece wagers," were obliged to get a licence under Section 12 of the ISMWA. The Court required that migrant employees get the legal minimum wage without any further deductions. In the *Bandhua Mukti Morcha Case*, bonded labour was determined to be a form of forced labour under Article 23 of the Constitution, and the court made it abundantly clear that the State's failure to identify bonded labourers, release them from servitude, and arrange for their rehabilitation as required by the Bonded Labor System (Abolition) Act, 1976, constitutes a violation of the right to life protected by Article 21 of the Constitution. In this case, Justice Bhagwati ruled that: "The right to live with human dignity must include protection of workers' health and strength, men and women of tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom from dignity, educational facilities, just and humane conditions of employment, and opportunities for parents to raise their children in a way that is consistent with their dignity.

The job and maternity leave. The bulk of the labourers from Bihar, Orissa, Tamil Nadu, and West Bengal in the *Asiad Case*, also known as *People's Union for Democratic Rights v. Union of India*, were recruited in Delhi by brokers. According to the petitioners, almost all of the locations explicitly forbade migrant workers from getting advantages including housing, secure working conditions, and free medical attention. Workers were compelled to live in leaky tents that could house five to six people since there was no

electricity or sanitation available. The Court was informed of transgressions of many statutes, including ISMWA. The Court sharply criticised the contractors' maltreatment of the workers and expressed dismay at the puny penalties imposed by judges in cases of legal infractions. The Delhi Development Authority, the Union of India, and the Delhi government were sharply criticised by the court for failing to take decisive action against the violations of a constitutional prohibition committed by their own contractors. A number of suggestions and rules were produced to regulate executive activity.

It is obvious that the scope of judicial participation is severely constrained given the present scenario. Less serious incidents are unreported, and people brazenly disregard court orders. It appears that only the involvement of the media, academia, or civil society can bring the never-ending misdeeds to light.

7. CONCLUSION AND SUGGESTIONS

A significant portion of the population of India is made up of the country's informal labour force. Also, it fills a market void that is highly exploitable. They are held as property of the ruling elite, leading an unfair life. The pace of industrialization, privatisation, and liberalisation has resulted in growing oppression of the working class. The purpose of labour laws is to improve the working environment for employees and to protect their general welfare. The Preamble's aims for the constitution as well as the Directive Principles, in particular Articles 38, 39, 43, and 43A, must be taken into consideration while interpreting social welfare regulations. The revolutionary notion of social and economic justice is one that is still important today.

The ISMWA has to be updated in the right places. The characteristics of the procedure must be taken into consideration when one develops a transparent and cautious strategy to combating dishonest behaviours. It is vital that intrastate migrants and immigrants working in other ways than via labour contractors be included in the scope of the ISMWA. Instead of giving one Inspector all the authority, a dedicated team of skilled officers must be assembled to supervise the Act's execution with a system of accountability. Access to such a team must be granted to migrant labourers. Helpline phone numbers must be posted on transit routes, particularly at railroad stations. Police teams must often travel transit corridors. Governments are required to regularly update websites with information on labour contractors and the workers they hire. Records from the transmitting and receiving States' governments must be reconciled. Every business is required to undergo routine audits on the payment of salaries and preservation of documents. The development of a viable method for migrant workers to air their complaints is necessary. Legal Services for States Authorities should undertake awareness campaigns and legal assistance clinics in migration-prone regions and make regular visits there. The difficulties affecting women and children, particularly their health and education, must be addressed by states working together with civic society engaged in the sphere of labour migration.

The problems that plague the labour migration process are especially inappropriate for the current, progressive globe. We have a sacred obligation to solve this problem. As the ultimate consumers, it is our primary duty as countrymen to work together to fulfil our obligation to advance humanism and to foster peace and a sense of universal brotherhood among all people. It is time for us to overcome all obstacles and advance towards creating a society where each individual lives a free life, extending liberty to everyone.

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